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EXAMINER

KOCH, GEORGE R

ART UNIT	PAPER NUMBER
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1734

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/661,515

Applicant(s)

LIM ET AL.

Examiner

George R. Koch III

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-77 is/are pending in the application.
- 4a) Of the above claim(s) 1-41 and 75-77 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 42-54 and 67-70 is/are rejected.
- 7) ☒ Claim(s) 55-66, 71-74 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Newly submitted claims 75-77 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:
2. Restriction to one of the following inventions is required under 35 U.S.C. 121:
  - I. Claims 42-74, drawn to a method a method of fabricating a LCD panel, classified in class 156, subclass 64.
  - II. Claims 75-77, drawn to a method a method of fabricating a LCD panel, classified in class 156, subclass 64.

The inventions are distinct, each from the other because of the following reasons:

3. Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention I has separate utility such as being used to bond LCD panels as in Satoshi without any flipping step as required by invention II. See MPEP § 806.05(d).
4. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Group II, restriction for examination purposes as indicated is proper.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for

Art Unit: 1734

prosecution on the merits. Accordingly, claims 75-77 withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 42, 44-48, 50, 52, 53 are rejected under 35 U.S.C. 102(b) as being anticipated by Satoshi (Machine translation of the JP 2001-356353 reference submitted in the 12/16/2003 IDS).

Satoshi discloses a method for fabricating a liquid crystal display (LCD) panel using a substrate bonding device (Figure 1) having a base frame (items 2 and 3); a lower chamber unit (item T1) mounted to the base frame, wherein the lower chamber unit includes an upper surface; an upper chamber unit (item S1) arranged over the lower chamber unit, wherein the upper chamber unit is moveable relative to the base frame and wherein the upper chamber unit includes a lower surface, chamber moving means mounted to the base frame for raising and lowering the upper chamber unit; an upper stage fixed to the upper chamber unit for securing a first substrate; a lower stage fixed to the lower chamber unit for securing a second substrate; and sealing means provided to at least one of the upper and lower surfaces for sealing an interior space surrounding the first and second substrates, wherein the sealed interior space is

Art Unit: 1734

definable joined ones of the upper and lower chamber units, the method comprising, loading the first and second substrates onto the upper and lower stages, respectively; lowering the upper chamber unit to seal the interior space from an external environment via the sealing means (paragraph 0033); evacuating the sealed interior space (paragraph 0034); raising the upper chamber unit and the upper stage to align the first and second substrates; contacting the first and second substrates with a sealant material (paragraphs 0036-0037); venting the sealed interior space to apply pressure to the first and second substrates contacted by the sealant material, wherein, after the venting, the first and substrates are bonded together (paragraph 0038, supplying the N<sub>2</sub> gas); and unloading the bonded substrates (paragraph 0038 - insertion and removal of the cel).

As to claim 44, Satoshi disclose coating the sealant material and dispensing the liquid crystal material onto the second substrate (see paragraph 0010, see also paragraph 0032).

As to claims 45, 46, and 47, Satoshi discloses that the sealant is heat and UV treated (i.e., that a sealant that thermosets and photosets is used - see paragraph 0038).

As to claims 48 and 50, Satoshi discloses that the substrate can be a TFT array substrate (see paragraph 0002).

As to claim 52, Satoshi discloses using suction and electrostatic charges as claimed (paragraphs 0020-0022).

Art Unit: 1734

As to claim 53, Satoshi discloses that the securing includes generating the suction force before the electrostatic charge (see paragraphs 0033-0035).

As to claim 54, since the evacuating takes place over a period of time, Satoshi discloses that the evacuating includes evacuating the sealed interior space to a first pressure and further substantially evacuating the sealed interior space after the sealed interior space has been evacuated to the first pressure.

### ***Claim Rejections - 35 USC § 103***

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. Claims 43, 67-70 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoshi as applied to claim 42 above, and further in view of Gaynes (6,129,804).

Satoshi discloses applying sealant and liquid crystal material to different substrates. However, Gaynes discloses utilizing liquid crystal tiles (with the material

Art Unit: 1734

already applied) and bonding them to a separate substrate (the back or cover plates) that has sealant materials (item 15) previously applied. One in the art would do so in order to facilitate bonding. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized material applied to multiple substrates in order to facilitate bonding.

Satoshi discloses applying UV light to the material to harden the material, but does not disclose directing the UV light. However, Gaynes discloses that it is known to use multiple light guides to direct the UV light. One in the art would do so in order to prevent overheating or damage to other locations of the substrate. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized directing of the UV light in order to prevent overheating or damage.

As to claim 68, Gaynes as incorporated discloses that it is known to apply the UV light to multiple regions of the substrate, and discloses 8 regions (see Figure 3, items 66). Furthermore, it would have been obvious to expand the number of UV zones. One in the art would do so in order to handle larger substrates. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized at least 10 regions in order to bond larger substrates.

As to claims 69 and 70, official notice is taken that it is well known and conventional to apply UV light at any point after the coating operation. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized in order to ensure proper sealing.

Art Unit: 1734

10. Claims 49 and 51 are rejected under 35 U.S.C. 103(a) as being unpatentable over Satoshi as applied to claim 42 above, and further JP09-061829 (from 12/16/2003 IDS).

Satoshi does not suggest using a color filter substrate - Satoshi only discloses bonding TFT substrates to each other.

JP09-061829 discloses that the substrates can be a color filter substrate, and that the color filter substrate results in a LCD element that has high display uniformity (see abstract). Furthermore, one in the art would appreciate that either the first or second substrate could be the color filter substrate, as a matter of design choice.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized color filter substrates in order to achieve a LCD element that has high display uniformity.

### ***Response to Arguments***

11. Applicant's arguments filed 10/19/2005 have been fully considered but they are not persuasive.

12. Applicant argues that claim 42 is patentable over Satoshi, Gaynes, and JP09-061829 because claim 42 recites a combination of elements including, for example, (1) "lowering the upper chamber unit to seal the interior space from an external environment via the sealing means; evacuating the sealed interior space; moving the upper chamber unit and the upper stage to align the first and second substrates; contacting the first and second substrates with a sealant material; venting the sealed



Art Unit: 1734

interior space to apply pressure to the first and second substrates contacted by the sealant material, wherein, after the venting, the first and substrates are bonded together." Applicant further argues that none of Satoshi, Gaynes, and Satoru, teach, disclose or suggest, either expressly or inherently, these features of the claimed invention.

However, Satoshi discloses each of these limitations in multiple locations - such as the citations above and the additional citations below.

Satoshi discloses lowering the upper chamber unit to seal the interior space from an external environment via the sealing means (for example, in paragraph 0017-0018).

Satoshi discloses evacuating the sealed interior space (also paragraphs 0017-0018).

Satoshi discloses moving the upper chamber unit and the upper stage to align the first and second substrates (paragraph 0023).

Satoshi discloses contacting the first and second substrates with a sealant material (paragraph 0023).

Satoshi discloses venting the sealed interior space to apply pressure to the first and second substrates contacted by the sealant material (paragraph 0023), wherein, after the venting, the first and substrates are bonded together (paragraph 0024 - Satoshi vents by releasing to the atmosphere).

***Allowable Subject Matter***

13. Claims 55-66 and 71-74 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

14. The following is a statement of reasons for the indication of allowable subject matter:

With regard to claims 55-63, while the prior art of record does suggest holding the first and second substrates apart by a predetermined distance and aligning using rough and fine alignment marks as claimed (for example, 2002/0043344, see Figure 4), the prior art does suggest doing so in the context of the limitations of claim 42.

With regard to claim 64-65, the prior art of record (Satoshi - see rejection of claims 52 and 53 above) does disclose applying a suction and electrostatic charge from the upper stage to the first substrate, and aligning the first and second substrate, the prior art of record does not disclose deactivating the electrostatic charge applied from the upper stage, raising the upper chamber unit to a predetermined height, determining the alignment state of the first and second substrates, and realigning the aligned first and second substrates as determined based upon the determination of the alignment state.

With regard to claim 66, the prior art of record does not disclose, in the context of the limitations of claim 42, the further limitations of providing a plurality of venting holes within the upper and lower stages, and providing low vacuum chamber pipelines to the sealed interior space, wherein the venting includes: in a first venting step, injecting

Art Unit: 1734

nitrogen gas into the sealed interior space through the plurality of venting holes provided within the upper and lower stages; and in a second step, injecting nitrogen gas through the low vacuum chamber pipelines increase the pressure inside the sealed interior space equal to an atmospheric pressure.

With regard to claim 71, the prior art of record does not disclose, in the context of the limitations of claim 42, the further limitations of wherein the unloading includes: securing the bonded substrates to the upper stage; raising the upper stage to which the bonded substrates are secured; arranging a loader proximate the bonded substrates, secured to the upper stage; releasing the bonded substrates from the upper stage, wherein the released bonded substrates are supported by the loader; and removing the loader supporting the bonded substrates from the substrate bonding machine.

With regard to claim 72, the prior art of record does not disclose, in the context of the limitations of claim 42, the further limitations of wherein the unloading includes: securing the bonded substrates to the upper stage; raising the upper stage to which the bonded substrates are secured; raising a lift pin through the lower stage and over the upper surface, wherein the raised lift pin is proximate the secured bonded substrates; releasing the bonded substrates from the upper stage, wherein the released bonded substrates are supported by the raised lift pin; and arranging a loader proximate the bonded substrates supported by the raised lift pin; lowering the raised lift pin such that the bonded substrates are supported by the loader; and removing the loader supporting the bonded substrates from the substrate bonding machine.

Art Unit: 1734

With regard to claims 73-74, the prior art of record does not disclose, in the context of the limitations of claim 42, the further limitations of wherein the unloading includes: raising the bonded substrates above the upper surface, wherein the raised bonded substrates are supported by a raised lift pin arranged through the lower stage and over the upper surface; arranging a loader proximate the raised bonded substrates supported by the lift pin; lowering the raised lift pin such that the bonded substrates are supported by the loader; and removing the loader supporting the bonded substrates from the substrate bonding machine.

### ***Conclusion***

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Art Unit: 1734

Any inquiry concerning this communication or earlier communications from the examiner should be directed to George R. Koch III whose telephone number is (571) 272-1230 (TDD only). If the applicant cannot make a direct TDD-to-TDD call, the applicant can communicate by calling the Federal Relay Service at 1-866-377-8642 and giving the operator the above TDD number. The examiner can normally be reached on M-F 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Fiorilla can be reached on (571) 272-1187. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



George R. Koch III  
Primary Examiner  
Art Unit 1734

GRK  
1/22/2006